

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BRADY BYRUM

v.

CITY OF PLANO, ET AL.

§
§
§
§
§

Case No. 4:11cv60
(Judge Schneider/Judge Mazzant)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 11, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations concerning Defendant James Forsythe's Amended Motion to Dismiss Under Federal Rules 4(m), 4(e)(1), 4(e)(2), 12(b)(4), 12(b)(5), 8(a), 8(e) and 12(b)(6), Alternative Motion to Dismiss Pursuant to Rule 9(b), Alternative Motion for More Definite Statement, Alternative Motion for Ruling that First Amended Complaint Fails to Relate Back to the Complaint Pursuant to Rule 15(c) (Dkt. #22), finding that the motion to dismiss should be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant James Forsythe's Amended Motion to Dismiss Under Federal Rules 4(m), 4(e)(1), 4(e)(2), 12(b)(4), 12(b)(5), 8(a), 8(e) and 12(b)(6), Alternative Motion to Dismiss Pursuant to Rule 9(b), Alternative Motion for More Definite Statement,

Alternative Motion for Ruling that First Amended Complaint Fails to Relate Back to the Complaint

Pursuant to Rule 15(c) (Dkt. #22) is **GRANTED** and Defendant James Forsythe is dismissed.

IT IS SO ORDERED.

SIGNED this 13th day of September, 2011.

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE